

Practitioner's Docket No. : MPI98-105P1RCP2DV1M

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

17858 U.S. PTO
10/626173
07/24/03

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): Raju, Jeyaseelan

For: NOVEL CARK PROTEIN AND NUCLEIC ACID MOLECULES AND USES THEREFOR

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☒ Divisional.
- ☐ Continuation.
- ☐ Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☐ with sufficient postage as first class mail.

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TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.


Signature

Sean Hunziker

(type or print name of person certifying)

Date: July 24, 2003

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"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. Application Number 09/947,199 filed September 5, 2001 which is a CIP of U.S. Application Number 09/458,457 filed December 10, 1999, which is a CIP of U.S. Application Number 09/291,839 filed April 14, 1999 which claims priority from U.S. Application Number 60/111,938 filed December 11, 1998.

3. Maintenance of Copendency of Prior Application

- A. ☐ Extension of time in prior application
B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending **prior** application.
☐ A **copy** of the conditional petition filed in the prior application is attached.

4. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

Notification in Parent Application of This Filing

- ☐ A notification of this continuation is being filed in the parent application from which this application claims priority under 35 U.S.C. Section 120.

5. Papers Enclosed

Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

90 Pages of Specification, including
87 Pages of Description
2 Pages of Claims
1 Page of Abstract

35 Sheet of Drawings (Figure(s) 1A, 1B, 2, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L, 4A, 4B, 5A, 5B, 5C, 5D, 6A, 6B, 7A, 7B, 7C, 7D, 7E, 7F, 8A, 8B, 9, 10, 11 and 12

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).
☒ Formal
☐ Informal

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6. Additional Papers Enclosed

- ☒ Information Disclosure Statement (37 C.F.R. Section 1.98)
- ☒ Copies of Form PTO-1449 (PTO/SB/08A and 08B) as filed in U.S. Application No. 09/947,199 filed September 5, 2001
- ☐ Citations
- ☒ Declaration of Biological Deposit with a copy of the ATCC Deposit Receipt
- ☒ 27 pages of paper copy of Sequence Listing (37 CFR Section 1.821-1.823), and 4 pages of Submission of "Sequence Listing," Computer Readable Copy, and/or Amendment Pertaining Thereto for Biotechnology Invention Containing Nucleotide and/or Amino Acid Sequence (37 CFR Section 1.821(f))
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other:

7. Declaration or Oath (including power of attorney)

- ☒ (6 pages) A copy of the executed Combined Declaration and Power of Attorney, as filed in parent application number 09/947,199 filed September 5, 2001 is enclosed.
- ☒ (2 pages) A copy of the Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney as filed in parent application number 09/947,199 filed September 5, 2001 is enclosed.
- ☒ (1 page) A copy of the Notice of Acceptance of Power of Attorney as received from the U.S. Patent Office in parent application number 09/947,199 filed September 5, 2001 is enclosed.

8. Assignment

- ☒ A copy of the Notice of Recordation of Assignment Document, Recordal Sheet and assignment of the invention to Millennium Pharmaceuticals, Inc. as received from the U.S. Patent Office in parent application number 09/947,199 filed September 5, 2001
 - ☒ is enclosed.
 - ☐ will follow.

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9. Related Applications:

Please amend the specification by replacing the Related Applications paragraph with the paragraph below:

This application claims the benefit of prior U.S. Application Number 09/947,199 filed September 5, 2001 which is a CIP of U.S. Application Number 09/458,457 filed December 10, 1999, which is a CIP of U.S. Application Number 09/291,839 filed April 14, 1999 which claims priority from U.S. Application Number 60/111,938 filed December 11, 1998.

10. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$750.00
Total Claims (37 C.F.R. Section 1.16(c))	12	- 20 =	0	\$18.00	\$0.00
Independent Claims (37 C.F.R. Section 1.16(b))	1	- 3 =	0	\$84.00	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))	0	\$280.00			\$0.00

Filing Fee Calculation \$750.00

- ☐ Amendment canceling extra claims is enclosed.
- ☐ Amendment deleting multiple-dependencies is enclosed.
- ☐ Fee for extra claims is not being paid at this time.

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11. Method of Payment of Fees

- ☐ Check in the amount of \$ _____.
- ☒ Charge Account No. 501668 in the amount of \$750.00
A duplicate of this transmittal is attached.

12. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.
- ☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
 - ☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
 - ☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
 - ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
 - ☐ 37 C.F.R. Section 1.17 (application processing fees)
 - ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

13. Instructions as to Overpayment

- ☒ Credit Account No. 501668.
- ☐ Refund

14. Correspondence Address

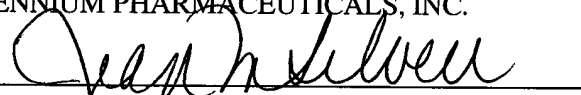
Direct all future correspondence to:

Customer Number 30405
OR
Intellectual Property Department
MILLENNIUM PHARMACEUTICALS, INC.
75 Sidney Street
Cambridge, MA 02139

July 24, 2003

MILLENNIUM PHARMACEUTICALS, INC.

By



Jean M. Silveri
Registration No. 39,030
75 Sidney Street
Cambridge, MA 02139
Telephone - 617-679-7336
Facsimile - 617-551-8820

☒ Statement Where No Further Pages Added

- ☒ This transmittal ends with this page.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Raju, Jeyaseelan
Application No.: N/A Group No.: N/A
Filed: Herewith Examiner: N/A
For: NOVEL CARC PROTEIN AND NUCLEIC ACID MOLECULES AND USES
THEREFOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF BIOLOGICAL CULTURE DEPOSIT

I, Jean M. Silveri hereby state:
Name of Applicant or Assignee's representative

1. That the following culture(s) referred to in the specification of this application have been deposited:

Plasmid cDNA pJchr013
Strain

PTA-1530
Accession number

2. That the date of the above deposit is:

- [] before the U.S. filing date of this application.
[X] after the U.S. filing date of this application and proof that the culture(s) identified above is(are) the same culture(s) described in the application as filed is attached.

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3. That the name and address of the depository is:

American Type Culture Collection (ATCC)

Name of depository

10801 University Blvd Manassas, VA 20110

Address of depository

4. That a statement that the culture(s) deposited with the above named depository was (were) viable and was (were) capable of reproduction, if appropriate, on the date of deposit is attached. Such statement is executed by:

- a. ☐ the depository.
- b. ☒ the applicant.
- c. ☐ a competent third party.

5. That, with respect to the permanence of the culture(s) deposit:

- a. ☐ the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).
- b. ☒ the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.
- c. ☐ evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture(s).

I affirm that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

6. That, with respect to availability of the culture(s), I affirm that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. section 1.14 and 35 U.S.C. section 122.

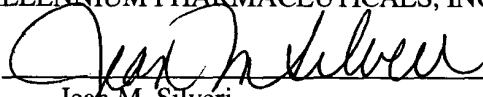
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- ☐ Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited cultures.

24 July 2003

MILLENNIUM PHARMACEUTICALS, INC.

By



Jean M. Silveri

Registration No. 39,030

75 Sidney Street

Cambridge, MA 02139

Telephone - 617-679-7336

Facsimile - 617-551-8820

- ☐ Inventor
☐ Assignee of complete interest
☒ Person authorized to sign on behalf of assignee